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was off.

- Q. The cancellation of the contract was by you?
- A. Oh, yes, well not cancellation we just could not deliver... we could not get a release.

## BY ATTORNEY MORNINGSTAR:

What are the terms of the mortgage with Mr. Fox that prevented you from paying off the mortgage?

- A. Well, I'm not an attorney so when I went to the Court

  House and read the mortgage because I didn't know what I had

  done with my copy and I had the impression that after three
- (3) years I could go ahead...in other words I could pay.... settle, you know, with a lump sum payment. That was a layman's impression of the mortgage I had with Mr. Fox.
- Q. When did you enter into that mortgage?
- A. In 1969, so it was more than three (3) years but otherwise I would have never put it up for sale. I was under the assumption that I could pay it off anytime after three
- (3) years. But apparently that wasn't the case at all and the first inkling I had that it wasn't was when Mr. Fox instead of responding to me got in touch with his attorney, Mr. Nikirk, and I said, you know, three (3) years and he said, "no, that's not the way it is."
- Q. To your knowledge you are saying it's not that you would have to pay a prepayment penalty...
- A. No, no.
- Q. It's that you are prevented from paying off the mortgage in advance, that's what you're saying? In the terms of that mortgage?